

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 14, 2021

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ISMAEL CANTU, SR.,

Plaintiff,

v.

OFFICER MICHAEL DELEON,

Defendant.

1:21-CV-03101-SAB

ORDER OF DISMISSAL

On October 5, 2021, the Court directed *pro se* Plaintiff Ismael Cantu, Sr., to amend or voluntarily dismiss his complaint. ECF No. 6. The same day, the Court granted him leave to proceed *in forma pauperis*. ECF No. 5. Plaintiff filed this action on August 23, 2021, while a pretrial detainee at the Yakima County Jail. ECF No. 1. He was subsequently released from incarceration. ECF No. 7.

Mail addressed to Plaintiff at the Yakima County Jail, the last address he provided, was returned as undeliverable on October 13, 2021. ECF No. 7.

Although informed of the requirement to keep the Court apprised of his current address, ECF No. 4, Plaintiff has failed to do so.

The Court may dismiss an action if mail directed to a *pro se* plaintiff has been returned by the Postal Service and the plaintiff fails to notify the Court and

opposing parties within sixty days thereafter of his current mailing address. LCivR 41(b)(2), Local Civil Rules for the Eastern District of Washington.

The Court has an interest in managing its docket and in the prompt resolution of civil matters. *See Destfino v. Reiswig*, 630 F.3d 952, 959 (9th Cir. 2011) (affirming district court's inherent power to control its docket); *see also Pagtalunan v. Galaza*, 291 F.3d 639, 642-44 (9th Cir. 2002) (discussing factors to consider in dismissing claim for failure to prosecute or failure to comply with court order, including the public's interest in expeditious resolution, the court's need to manage docket, and the risk of prejudice to defendants).

Accordingly, **IT IS HEREBY ORDERED:**

1. This action is **DISMISSED WITHOUT PREJUDICE** pursuant to LCivR 41(b)(2).

2. The Clerk of Court is directed to **ENTER JUDGMENT** and **CLOSE** this file.

3. The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this Order could not be taken in good faith and would lack an arguable basis in law or fact.

IT IS SO ORDERED. The Clerk of Court is directed to enter this Order and forward a copy to Plaintiff at his last known address.

DATED this 14th day of December 2021.



A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Stanley A. Bastian
Chief United States District Judge